

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

WILLIAM ROWELL)	
)	
Plaintiff,)	Case No. 08 CV 2517
)	
v.)	
)	Judge Castillo
FRANCONIA MINERALS CORPORATION)	Magistrate Judge Brown
a foreign corporation)	
)	
Defendant.)	

DEFENDANT'S MOTION TO DISMISS
ON THE BASIS OF *FORUM NON CONVENIENS*

Defendant states as follows in support of its Motion to Dismiss on the Basis of *Forum Non Conveniens*:

1. Defendant respectfully requests that this case be dismissed for re-filing in Canada pursuant to the doctrine of *forum non conveniens* because:

- The Court will have to apply the “laws of the Province of Alberta and the federal laws of Canada” in construing the stock option plans at issue in this case;
- The dispute involves stock options in a Canadian corporation whose stock is traded publicly on the Toronto Stock Exchange;
- The Plaintiff and Defendant are both Canadian citizens;
- Plaintiff’s damages theory is based upon calculating losses in Canadian dollars; and
- The events giving rise to the lawsuit occurred in Toronto, Canada at a meeting among Canadian geologists.

2. In further support for Defendant’s position, it has filed contemporaneously Defendant’s Memorandum of Law In Support of Its Motion To Dismiss on the Basis of *Forum Non Conveniens*.

Wherefore, Defendant respectfully requests that this case be dismissed in its entirety pursuant to the doctrine of *forum non conveniens* for refilling in Canada.

Dated June 14, 2008

FRANCONIA MINERALS CORPORATION

By: /s/ David J. Fish
One of its Attorneys

David J. Fish
THE FISH LAW FIRM, P.C.
1770 N. Park Street, Suite 202
Naperville, IL 60563
(630) 355-7590